

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, MARCH 6, 2012

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, March 6, 2012.

Mayor Craig Cates called the meeting to order at 6:00 p.m.

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Mark Rossi, Billy Wardlow, Jimmy Weekley, Tony Yaniz and Mayor Craig Cates.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Assistant City Attorney Ron Ramsingh, City Planner Don Craig, Police Chief Donnie Lee, Fire Department Division Chief Michael Davila, Community Services Director Greg Veliz, Human Resources Director Sandy Gilbert, Building Director John Woodson, Information Technology Director Patti McLauchlin, Parking Manager John Wilkins, Port and Transit Director Jim Fitton, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Reverend Sarah Fowler, St. Peter's Episcopal Church, gave the invocation.

The pledge of allegiance to the flag of the United States of America was given by all present.

CHANGES TO THE AGENDA:

Commissioner Weekley requested Resolution Item #4 be postponed to the next meeting on March 20, 2012 and if there were no objections to add Resolution Item #17 to the Consent Agenda.

City Manager Scholl noted Resolution Item #17 is the Add-on Resolution for the police cars.

The City Manager requested Resolution Items #12, #13 and #14 be postponed to the April 3, 2012 meeting.

The Clerk announced speakers for Resolution Items #6, #7 and #9, and those items would need to be removed from the Consent Agenda.

Commissioner Johnston requested Resolution Item #10 be removed from the Consent Agenda for discussion.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston to approve the agenda as changed. The Mayor asked for objections and hearing none the agenda was approved as changed.

PROCLAMATION:

National Week of Prayer for the Healing of AIDS in the City of Key West

PRESENTATIONS:

Mosquito Control – Genetically Modified Male Mosquitoes by Mike Doyle

City Attorney's Report

Mr. Smith updated the Commission on the closing of the BCCLT properties with the Housing Authority. Mr. Smith thanked Mr. Castillo, Executive Director of the Housing Authority for getting the job done. He stated the acquisition preserved the City's \$2,000,000.00 investment in affordable housing in the City. Commissioner Weekley noted the property at 629 Caroline Street renovations have begun.

Commissioner Yaniz asked the City Attorney about the green space at Truman Waterfront. He apologized to the Truman Waterfront Advisory Board if he was insensitive to the Board in any way. Mr. Smith said there would be an resolution on the next agenda addressing the item.

Commissioner Johnston asked Mr. Smith to shed light regarding ongoing communications regarding the Tree Commission. Mr. Smith summarized in a word "nonsense." He stated the ordinances and the original chapter from the State of Florida specify private property. After his review he believed the claims on the public/private argument are groundless.

City Manager's Report

City Manager Scholl recapped the trip to the Florida Keys Days in Tallahassee for the Commission. He said it was the best event he had attended. He also had the opportunity to talk with Grant Writer Sheila Griffin.

Mr. Scholl announced that the Annual Report was published and available on the website.

Commissioner Wardlow asked where they stand with the PAL building. Mr. Scholl stated they met with the BA folks in a meeting on their Task Order for development of the Truman Waterfront upland properties. The PAL building is one of several issues that will be vetted and come back before the Commission for review.

Commissioner Johnston asked how many acres will be developed for landscaping. Doug Bradshaw, Senior Project Manager said there are roughly 26 acres or three-fourths of the property. Commissioner Johnston had concerns about the overall landscape for the parcel and the soccer field / multi-use area. Greg Veliz, Community Services Director, said there was no irrigation and thus difficult to maintain. Commissioner Lopez reminded the Commission that was supposed to be a temporary field. Mr. Veliz said the field was not in playable condition and the fence had been reinstalled.

Commissioner Lopez asked how much of the PAL building sits on the 6.6 acre area. Mr. Bradshaw said it was on about 3 acres.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley to approve the consent agenda items.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolutions as read.

RESOLUTIONS:

RESOLUTION NO. 12-077

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING JOSE L. PICHARDO TO THE TREE COMMISSION; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed to March 20, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING MR. Z'S TO CONDUCT A BLOCK PARTY FUNDRAISER FOR THE WESLEY HOUSE ON SUNDAY, APRIL 1, 2012 STARTING AT 12:00 NOON TO 4:00 P.M.; AUTHORIZING THE CLOSURE OF THE 500 BLOCK OF SOUTHARD STREET BETWEEN DUVAL STREET & BAHAMA STREET; AUTHORIZING THE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA OF THE EVENT; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE EVENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-078

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING 551 TEEN CLUB OF KEY WEST TO CONDUCT A REUNION AT BAYVIEW PARK ON FRIDAY, AUGUST 3, 2012 FROM 5:00 P.M. TO 11:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 5:00 P.M. TO 11:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-079

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE EXECUTION OF THE ATTACHED MODIFICATION NUMBER TWO TO "FEDERALLY FUNDED SUBGRANT AGREEMENT" CONTRACT NUMBER 11HM-2V-11-54-02-004 (STATE FEMA PROJECT NO: HMGP 1539-47-R; STATE PROJECT NO: 1539-116) WITH THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) FOR PHASE I FEMA FUNDING FOR EAST FRONT STREET FLOOD MITIGATION PROJECT, TO REINSTATE AND EXTEND THE PERIOD OF PERFORMANCE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-080

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FEDERAL NATIONAL MORTGAGE ASSOCIATION AND BAC HOME LOANS SERVICING, LP (F/K/A COUNTRYWIDE HOME LOANS SERVICING, LP), PROPERTY OWNER(S) IN CODE COMPLIANCE CASE NUMBER CES-07-2197 (3015 RIVIERA DRIVE) PERMITTING A RELEASE OF LIEN UPON PAYMENT BY THE OWNERS OF A MITIGATED AMOUNT OF \$176.50; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed to April 3, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADJUSTING RATES FOR LIVEABOARD, COMMERCIAL AND RECREATIONAL LEASES AT THE CITY MARINA AT GARRISON BIGHT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed to April 3, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE FORM OF THE ATTACHED "CITY MARINA AT GARRISON BIGHT COMMERCIAL DOCKAGE AGREEMENT" (ONE-YEAR TERM); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed to April 3, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED FORM OF "KEY WEST CITY MARINA AT GARRISON BIGHT CHARTERBOAT DOCKAGE AGREEMENT" (FIVE-YEAR TERM); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-081

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING PURSUANT TO SECTION 2-797(3) OF THE CODE OF ORDINANCES THE ATTACHED PROPOSAL OF GARBER AUTOMALL IN THE TOTAL AMOUNT OF \$51,626.00 FOR TWO POLICE PATROL VEHICLES FOR USE BY THE KEY WEST POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE

The said Resolutions were thereupon declared by the Mayor to have been duly passed and adopted and were authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-082

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING THE PETRONIA ST. NEIGHBORHOOD ASSOCIATION, INC. TO CONDUCT A GOOMBAY FESTIVAL ON OCTOBER 19 & 20, 2012 FROM 12:00 NOON TO 12:00 MIDNIGHT; AUTHORIZING THE CLOSURE OF PETRONIA STREET BETWEEN DUVAL STREET AND FORT STREET INCLUDING THE TRUMAN WATERFRONT RECREATIONAL FIELDS; AUTHORIZING THE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA OF THE FESTIVAL; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE FESTIVAL; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Yule Knighten, 201 Coppitt Road
Ken Sullivan, 1107 Whitehead Street
Adrian Poitier, 3930 S. Roosevelt Boulevard
Hugh Morgan, 317 Whitehead Street
Veronica Stafford, 331 Avenue B

It was moved by Commissioner Lopez and seconded by Commissioner Yaniz that the Resolution be passed and adopted as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-083

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A SOUND CONTROL ORDINANCE WAIVER FOR COASTAL CONSTRUCTION FOR THE CONSTRUCTION OF THE HORACE O'BRYANT SCHOOL; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
Judy Martinez, 1020 Emma Street

It was moved by Commissioner Johnston and seconded by Commissioner Rossi that the Resolution be passed and adopted approving one extra hour, six days per week with the effective date one day after they hold a district meeting in District Five to explain the situation and the consequences and allow that group of residents to ask questions of the construction team and of the School District Administration.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-084

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A TWO (2) YEAR EXTENSION TO THE AGREEMENT WITH GRAY ROBINSON ATTORNEYS AT LAW TO SERVE AS THE CITY'S FLORIDA GOVERNMENT LOBBYIST; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
Jim Scholl, City Manager

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Resolution be passed and adopted as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-085

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A FIVE-YEAR LEASE WITH THE BAHAMA VILLAGE MUSIC PROGRAM, INC. FOR PROPERTY LOCATED AT 103 OLIVIA STREET; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Shawn Smith, City Attorney

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Resolution be passed and adopted as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. Postponed to April 3, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING KEYS ENERGY SERVICES' EFFORTS TO REMOVE ELECTRICAL FACILITIES FROM INACCESSIBLE LOCATIONS; WAIVING PERMIT FEES FOR CERTAIN ELECTRICAL WORK; DIRECTING THE CITY MANAGER TO FACILITATE CUSTOMER UPGRADES; SUPPORTING EFFORTS TO REMOVE ADDITIONAL FACILITIES SO EXCESS POLES CAN BE REMOVED IN A TIMELY MANNER; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jim Scholl, City Manager
Lynne Tejada, General Manager and CEO Keys Energy Services
Dale Finigan, Keys Energy Services

It was moved by Commissioner Weekley and seconded by Commissioner Lopez, for discussion, that the Resolution be postponed to April 3, 2012.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Nays: Commissioner Yaniz

SO ORDERED

RESOLUTION NO. 12-086

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$19,750.00 ~~OF \$21,500.00~~ TO COLIN BAENZIGER & ASSOCIATES FOR ASSISTANCE WITH THE RECRUITMENT AND ASSESSMENT OF THE NEXT KEY WEST CITY MANAGER IN ACCORDANCE WITH CITY CODE SECTION 2-797(3); APPROVING BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Shawn Smith, City Attorney
Margaret Romero, 1615 Washington Street
Shirley Freeman, Advisory Committee Chairwoman

It was moved by Commissioner Weekley and seconded by Commissioner Johnston that the Resolution be passed and adopted amending the amount not to exceed \$19,750.00 by removing the option to negotiate a contract from the proposal.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Weekley and Mayor Cates

Nays: Commissioners Wardlow and Yaniz

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCE SECOND READING: (Public Hearing)

ORDINANCE NO. 12-06

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING SECTION 70-372 ENTITLED "TIME LIMITS FOR DELIVERIES ON DUVAL STREET", TO EXPAND THE DEFINED AREA TO INCLUDE SIMONTON AND WHITEHEAD STREETS; AMENDING SECTION 70-373 ENTITLED "TIME LIMITS FOR DELIVERIES WITHIN THE HISTORIC DISTRICT" TO EXPAND THE AMENDED TIME RESTRICTIONS TO ALL OTHER PORTIONS OF THE HISTORIC DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

Ron Ramsingh, Assistant City Attorney
John Wilkins, Parking Manager

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow for the Ordinance to be passed on second reading as amended.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

CITIZEN COMMENTS:

The Clerk read a letter into the record from Joan Langley, 821 Georgia Street

Margaret Romero, 1615 Washington Street
Mike Mongo 1218 Pearl Street

COMMISSION COMMENTS:

Commissioner Weekley commented on the North Roosevelt Boulevard project and the proposed wall or fence on the water side of the boulevard. He stated he would be sponsoring a resolution at the next commission meeting not to put the wall up as it will detract from what people see coming on the island and now is the time to stop this measure to hide the view

Commissioner Rossi stated that an aluminum rail is already present on the scenic trail up the Keys. He said the Chamber of Commerce has been working on this part of the project and he would like to join Commissioner Weekley to sponsor this resolution.

Commissioner Johnston updated the Commission on the Hurricane Workshop meetings and the next meeting will cover the economic impact of evacuation. She said there would be an MOU to come before the City Commission for approval.

Commissioner Rossi announced there would be a meeting of the Garrison Bight Marina neighborhood on March 29, 2012 at 7:00 p.m. He asked the City Manager for use of the Roosevelt

Boulevard fire station meeting room to hold the meeting to discuss the lease agreements that had been postponed.

Commissioner Lopez announced his monthly District 6 meeting would be held Thursday, March 8, 2012 at 6:00 p.m. at the Martin Luther King Center, corner of Catherine and Thomas Streets. The topic will be the proposed redistricting for the City of Key West.

Commissioner Yaniz recognized the diligence and hard work City Staff do regularly. He appreciated the tremendous job they do for the Commission.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 8:43 p.m.

A handwritten signature in cursive script that reads "Cheryl Smith". The signature is written in black ink and is positioned above a horizontal line.

Cheryl Smith, MMC, CPM
City Clerk